IN THE HIGH COURT OF UTTARANCHAL, NAINITAL.

Writ Petition No. 1381 (S/S) of 2003

Smt. Amita Methani, W/o Late Captain B.P. Methani,
Aged about 54 years, Presently posted as Assistant
Teacher, SMBG Cant. Girls Inter College, Garhicant
Dehradun. ..... Petitioner

Versus

1. Executive Officer, Cantonment Board, Garhicant, Dehradun.
2. The Joint Director, National Institute of Defense State Management, Maniksah Marg, New Delhi Cantt.
3. President, Cantt. Board, Dehradun.
4. State of Uttaranchal through Secretary, Finance, Uttaranchal Sahasan, Dehradun
5. Secretary of Education, Uttaranchal Sahasan,Dehradun
6. Director of Education, Uttaranchal Sahasan,Dehradun

..... Respondents

02.03.2006

Sri H.M. Raturi, learned Counsel for the petitioners.
Learned Standing Counsel for the respondents.

Hon'ble Rajesh Tandon. J

Heard Sri H.M. Raturi, counsel for the petitioner and standing counsel for the respondents.

Briefly stated, the petitioner was initially appointed as Assistant Teacher in the Boys Primary School, Garhi cantt., Dehradun on 24.03.1996. Subsequently she passed the B.Ed. Examination from Hemwati Nandan Bahuguna Garhwal University in the year 1997 and as such she was granted trained pay scale of Rs. 195-3-225-e.b-6-275 w.e.f. 01.7.1977. Thereafter she was promoted on the post of Assistant Teacher, High School in the pay scale of Rs.1350-30-1500-e.b-40-1980-45-2070 vide Board's letter dated 06.10.97. C.T. Grade was subsequently declared as dying cadre and was merged into L.T. Grade vide G.O. dated 19.02.1991.

After merging of C.T. Grade into the L.T. Grade, the petitioner has submitted the representation that she may be promoted to the post of trained Assistant Teacher, L.T. Grade in the pay scale of REs.4500-7000. On 06.10.97 she was promoted to the post of Assistant Teacher in the said pay scale. The revised pay scale was continued to be paid to the petitioner till December, 2002.

In January 2003, after the recommendations of the Vth pay Commission, pay scale of L.T. Grade was revised to 5500-9000 but she has not been awarded the revised pay scale. She has further submitted that after creation of the State of Uttaranchal vide G.O. dated 20.12.2001, the L.T. Grade Trained Teacher scale was further revise into pay scale of Rs.5500-175-9000 which was made applicable w.e.f. 01.07.2001. But the petitioner was again placed in the Primary School's pay scale without assigning any reason.

The petitioner represented before the Authority concerned but Authority concerned has passed the order dated 11.08.2003 for reverting the petitioner back to the post of Assistant Teacher, Primary School from the post of Assistant Teacher, High School.

In this regard, Petitioner has submitted the representations dated 04.03.2003, 19.03.2003, 08.05.2003, 26.05.2003 and 21.07.2003 before the respondent No. 1 but same was in vain. The petitioner has also submitted that the name of the petitioner has been recommended for refresher course for Head Master/ Head Mistress to the National Institute of Defense State Management, New Delhi vide order dated 22.09.2001 by which it is clear that the petitioner is senior most Assistant Teacher in the High School as on date.

In view of the aforesaid facts and circumstances, a writ of certiorari is issued quashing the order darted 11.08.2003 passed by

the respondents. The respondents are directed to continue to pay L.T. Grade scale to the petitioner.

Accordingly writ petition is allowed. No order as to costs.

(Rajesh Tandon, J.)

02.03.2006
Jain